

Exhibit A to
Response to Office Action

BEST AVAILABLE COPY

Response to Office Action
This paper dated November 8, 2004

24

114596-26-0051BS S/N 09/666,110
2684371.2

Sheet 5 of 5

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 114596/05-4013		SERIAL NO 09/239.194	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT John S. Yates, Jr., et al.			
				FILING DATE January 28, 1999		GROUP ART UNIT 2127	
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
KT	WO 98/28689 Wing	07/02/1998	PCT/US	G06F	11/00		
KT	WO 98/38575 Klaiber	09/03/1998	PCT/US	G06F	11/00		
KT	WO 99/08188 Kelly	02/18/1999	PCT/US	G06F	11/00		
KT	WO 99/08191 Kelly	02/18/1999	PCT/US	G06F	12/00		
Technology Center 2100							
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)							
KT	T.M. Conte, et al., "Accurate and practical profile-driven compilation using the profile buffer," Proceedings of the 29 th Annual International Symposium on Microarchitecture, Paris, France, pp. 36-45 (Dec. 1996)						
KT	T.M. Conte, et al., "Hardware based profiling: An effective technique for profile-driven optimization," International Journal of Parallel Programming, vol. 24, no. 2 (Feb. 1996)						
KT	T.M. Conte, et al., "Using branch handling hardware to support profile-driven optimization," Proceedings of the 27 th Annual International Symposium on Microarchitecture San Jose, CA (Dec. 1994)						
KT	J.S. Cox et al., "Commercializing profile-driven optimization." Proceedings of the 28 th Hawaii International Conference on System Sciences, vol. 1 Maui, HI, pp. 221-228 (Jan. 1995)						
KT	Dean, ProfileMe: Hardware Support for Instruction-Level Profiling on Out-of-Order Processors," IEEE 1997, pp. 292-302						
KT	R.E. Hank, et al., Proceeding of the 28 th Annual International Symposium on Microarchitecture, pp. 158-168 (Dec. 1995)						
KT	Kavi et al., A Performability Model for Soft Real-Time Systems, IEEE Jan 1994						
KT	Kim and Tyson: Analyzing the Working Set Characteristics of Branch Execution, IEEE 1998						
KT	Larus and Schnarr: EEL: Machine-Independent Executable Editing, ACM Sigplan, 1995						
KT	Lipasti and Shen: Exceeding the Dataflow Limit via Value Prediction, IEEE, 1996						
KT	K.N.P. Menezes, "Hardware-based profiling for program optimization," Ph.D. thesis, Department of Electrical and Computer Engineering, North Carolina State University, Raleigh, North Carolina (1997)						
KT	Veen: Dataflow Machine Architecture, ACM Computing Surveys vol. 18 no. 4 pp. 365-96 (December 1986)						
EXAMINER <i>Kenneth Ig</i>				DATE CONSIDERED <i>6/12/04</i>			

1298013.2

NOV 08 2004

PATENT

ATTORNEY DOCKET NO. 114596-26-0051BS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/666,110 Confirmation No.: 1446
Applicant: Korbin S. Van Dyke, et al.
Title: COMPUTER FOR EXECUTION OF RISC AND CISC INSTRUCTION
SETS
Filed: September 20, 2000
Art Unit: 2183
Examiner: R. Ellis
Atty. Docket: 114596-26-0051BS
Customer No. 38492

INFORMATION DISCLOSURE STATEMENT

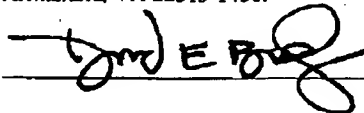
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant wishes to make of record the enclosed items, as listed on the accompanying Form PTO-1449. Applicant respectfully requests the Examiner to fully consider the items and independently ascertain their teaching before issuance of the next action, and to make them of record in the file. The Examiner is also requested to initial and return a copy of the enclosed Form PTO-1449 to evidence such consideration.

1. Applicant has listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated. Applicant reserves the right to establish the patentability of the claims over any information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This Information Disclosure Statement should not be construed as a representation that information more material to the examination of this application does not exist.

2. The references listed on the enclosed Form 1449 are references that have come to light in applications listed in the Information Disclosure Statement of February 2001. Applicant has not reviewed

I certify that this correspondence, along with any documents referred to therein, is being transmitted by facsimile on November 8, 2004 to Mail Stop AF, Art Unit 2183 at FAX no. 703 872 9306 Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Information Disclosure Statement
This paper dated November 8, 2004

1

S/N 09/666,110
2684371.2

Application Serial No. 09/666,110
Atty. Docket No. 114596-26-0051BS

all of them in detail. Of those that have been reviewed, none of the references are believed to be any more pertinent than the references provided in earlier IDS' and Forms 1449. However, in an abundance of caution, Applicant requests that they be considered.

3. For non-patent items listed on the enclosed Form PTO-1449 for which a copy is not already made of record in this application, a copy was previously cited by or submitted to the Patent and Trademark Office in application Serial No. 09/239,194, filed January 28, 1999, Yates et al., Executing Programs for a First Computer Architecture on a Computer of a Second Architecture, in application Serial No. 09/322,443, filed May 28, 1999, Reese et al., Profiling of Computer Programs Executing in Virtual Memory Systems, or in application Serial No. 09/385,394, filed August 30, 1999, Yates et al., Computer for Executing Two Different Instruction Sets, or in application 09/626,325, filed July 26, 2000, Yates, et al., Computer with Two Operating Systems.

4. This Information Disclosure Statement it is being filed at a time when prosecution is closed, but may be reopened. In the event of reopening of prosecution, entry of this Information Disclosure Statement is proper on payment of a fee pursuant to 37 C.F.R. §1.97(c)(2). Upon such entry, charge the fee due under C.F.R. §1.17(i)(1) to 23-2405, Order No. 114596-26-0051BS.

5. Charge the fee due under C.F.R. §1.17(p) to Deposit Account 23-2405, Order No. 114596-26-0051BS. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

6. The Commissioner is hereby authorized to charge any additional fees that may be required for this Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 23-2405, Order No. 114596-26-0051BS.

Respectfully submitted,

WILLKIE FARR & GALLAGHER LLP

Dated: November 8, 2004

By: 

David E. Boundy
Registration No. 36,461

WILLKIE FARR & GALLAGHER LLP
787 Seventh Ave.
New York, New York 10019
(212) 728-8000
(212) 728-8111 Fax

Sheet 1 of 4

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 114596-26-0051BS		SERIAL NO. 09/666,110	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT Korbin S. Van Dyke, et al.			
				FILING DATE September 20, 2000		GROUP ART UNIT 2183	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	4,412,303	10/25/1983	Barnes	712	16	Oct. 25, 1983	
	4,636,940	01/1987	Goodwin	717	128	Dec. 20, 1985	
	4,750,112	06/07/1988	Jones	364	200	Feb. 10, 1984	
	5,043,878	08/1991	Ooi	712	42	Aug. 9, 1989	
	5,127,092	06/30/1992	Gupta	712	234	Jun. 15, 1989	
	5,168,557	12/01/1992	Shibuya	712	207	Sep. 21, 1989	
	5,241,638	08/31/1993	Mork	711	207	Aug. 12, 1995	
	5,339,422	8/16/1994	Brender	714	4	Mar. 7, 1991	
	5,355,487	11/11/1994	Keller	717	127	Jul. 23, 1993	
	5,386,563	01/31/1995	Thomas	712	228	Oct. 13, 1992	
	5,404,476	04/04/1995	Kadaira	711	207	Mar. 9, 1993	
	5,479,616	12/26/1995	Garibay	712	212	Apr. 3, 1992	
	5,483,647	01/09/1996	Yu	713	100	Dec. 17, 1992	
	5,487,156	01/23/1996	Popsescu	712	217	Dec. 5, 1990	
	5,507,028	04/09/1996	Liu	395	375	Jan. 9, 1995	
	5,560,013	09/24/1996	Scalzi	717	138	Dec. 6, 1994	
	5,574,929	11/12/1996	Pieterse	712	30	Jun. 30, 1994	
	5,590,309	12/31/1996	Chencinski	395	472	Apr. 1, 1994	
	5,613,114	3/1997	Anderson	718	108	Apr. 15, 1994	
	5,613,118	03/18/1997	Heisch	395	709	Jun. 20, 1994	
	5,625,835	4/1997	Ebcioğlu	712	23	May 10, 1995	
	5,657,474	08/12/1997	Taine	711	163	Nov. 20, 1995	
	5,659,782	08/19/1997	Senter	712	23	Sep. 16, 1994	
	5,673,407	09/30/1997	Poland	395	375	Mar. 8, 1994	
	5,732,238	03/24/1998	Sarkozy	711	135	Jun. 12, 1996	
	5,742,780	04/21/1988	Caulk	395	382	Jan. 16, 1997	
	5,764,947	06/09/1998	Murphy	703	20	Mar. 2, 1994	
	5,768,500	6/16/1998	Agrawal	714	47	Jun. 20, 1994	
	5,781,758	07/14/1998	Morley	395	500	Mar. 23, 1995	
	5,802,337	09/01/1998	Fielden	712	216	Dec. 29, 1995	
	5,805,877	09/08/1998	Black	395	586	Sep. 23, 1996	
EXAMINER			DATE CONSIDERED				

2684371.2

Sheet 2 of 4

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 114596-26-0051BS		SERIAL NO. 09/666,110	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT Korbin S. Van Dyke, et al.			
				FILING DATE September 20, 2000		GROUP ART UNIT 2183	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	5,812,864	09/22/1998	McCoy	703	26	Dec. 6, 1995	
	5,815,720	9/29/1998	Buzbee	717	158	Mar. 15, 1996	
	5,819,064	10/06/1998	Razdan	703	27	Nov. 8, 1995	
	5,854,913	12/29/1998	Goetz	712	210	Jun. 10, 1997	
	5,864,697	01/26/1999	Shiell	712	240	Jun. 27, 1997	
	5,870,763	02/09/1999	Lomet	707	202	Mar. 10, 1997	
	5,903,750	05/11/1999	Yeh	712	236	Nov. 20, 1996	
	5,903,751	05/11/1999	Hoyt	395	585	Sep. 16, 1997	
	5,911,073	06/08/1999	Mattson	395	701	Dec. 23, 1997	
	5,941,827	02/1996	Holtey	711	163	Jan. 14, 1994	
	5,960,198	09/28/1999	Roediger	717	130	Mar. 19, 1997	
	5,966,537	10/1999	Ravichandran	717	158		
	5,968,162	10/19/1999	Yard	712	203	Apr. 2, 1996	
	5,983,335	11/09/1999	Dwyer	712	23	Apr. 30, 1997	
	6,002,872	12/14/1999	Alexander	717	127	Mar. 31, 1998	
	6,006,033	12/21/1999	Heisch	717	158	Aug. 15, 1994	
	6,006,277	12/21/1999	Talati	709	313	Jan. 26, 1996	
	6,021,484	02/01/2000	Park	712	41	Nov. 14, 1997	
	6,029,222	02/22/2000	Kamiya	710	262	Jan. 10, 1997	
	6,044,220	03/28/2000	Breternitz	717	139	Feb. 25, 1997	
	6,047,363	04/2000	Lewchuk	711	213	Oct. 14, 1997	
	6,047,390	04/2000	Butt	714	43		
	6,052,771	4/18/2000	Heller	712	34	Jan. 20, 1998	
	6,061,711	05/2000	Song	718	108	Aug. 19, 1996	
	6,071,317	06/2000	Nagel	717	128		
	6,076,144	6/13/2000	Peled	711	125	Dec. 1, 1997	
	6,092,188	07/18/2000	Corwin	712	239	Jul. 7, 1999	
	6,115,809	09/05/2000	Mattson	712	239	Apr. 30, 1998	
	6,119,204	9/12/2000	Chang	711	141	Jun. 30, 1998	
	6,119,218	9/2000	Arora	712	207	Jul. 8, 1999	
	6,141,683	10/31/2000	Kraml	709	220	Jan. 30, 1998	
EXAMINER			DATE CONSIDERED				

2684371.2

Sheet 3 of 4

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 114596-26-0051BS		SERIAL NO. 09/666,110	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT Korbin S. Van Dyke, et al.			
				FILING DATE September 20, 2000		GROUP ART UNIT 2183	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	6,195,748	02/27/2001	Chrysos	712	227	Nov. 26, 1997	
	6,202,205	03/13/2001	Saboff	717	9	Jul. 21, 1998	
	6,205,545	03/20/2001	Shah	712	237	Apr. 30, 1998	
	6,212,493	04/03/2001	Huggins	703	22	Dec. 1, 1998	
	6,233,678	05/15/2001	Bala	712	240	Nov. 5, 1998	
	6,237,074	05/22/2001	Phillips	711	213	May 26, 1995	
	6,243,804	06/05/2001	Cheng	712	228	Jul. 22, 1998	
	6,256,728	07/03/2001	Witt	712	236	Jul. 6, 1998	
	6,260,191	07/10/2001	Santhanam	717	9	Apr. 7, 1997	
	6,289,445	09/2001	Ekner	712	244	Jul. 21, 1998	
	6,295,644	09/25/2001	Hsu	717	9	Aug. 17, 1999	
	6,298,477	10/02/2001	Kessler	717	145	Oct. 30, 1998	
	6,304,948	10/16/2001	Motoyama	711	162	Oct. 6, 1998	
	6,308,321	10/23/2001	Schooler	717	132	Dec. 11, 1998	
	6,336,135	01/01/2002	Niblett	709	215	Nov. 19, 1998	
	6,351,844	2/26/2002	Bala	717	128	Nov. 5, 1998	
	6,353,924	03/05/2002	Ayers	717	128	Feb. 8, 1999	
	6,363,336	03/26/2002	Banning	703	26	Oct. 13, 1999	
	6,374,367	03/26/2002	Dean	714	37	Nov. 26, 1997	
	6,381,628	04/30/2002	Hunt	709	201	Nov. 20, 1998	
	6,381,735	04/30/2002	Hunt	717	158	Nov. 20, 1998	
	6,453,292	09/17/2002	Ramaswamy	704	235	Oct. 28, 1998	
	6,470,442	10/22/2002	Arimilli	712	32	Jul. 30, 1999	
	6,473,846	10/29/2002	Melchior	711	170	Jun. 16, 2000	
	6,481,007	11/2002	Iyer	717	151	Jun. 3, 1999	
	6,496,923	12/17/2002	Gruner	712	213	Dec. 17, 1999	
	6,549,930	04/15/2003	Chrysos	709	104	Nov. 26, 1997	
	6,557,094	04/29/2003	Pechanek	712	209	Sep. 28, 2001	
	6,560,693	05/06/2003	Puzak	712	207	Dec. 10, 1999	
	6,571,331	05/27/2003	Henry	712	239	Apr. 3, 2001	
	6,591,414	07/08/2003	Hibi	717	151	Oct. 3, 1997	
EXAMINER			DATE CONSIDERED				

2684371.2

Sheet 4 of 4

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 114596-26-0051BS		SERIAL NO. 09/666,110	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT Korbin S. Van Dyke, et al.			
				FILING DATE September 20, 2000		GROUP ART UNIT 2183	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,631,514	10/07/2003	Le	717	137	
		6,631,518	10/07/2003	Bortnikov	717	158	Mar. 19, 1997
		6,678,820	01/2004	Kahle	712	239	Mar. 30, 2000
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)							
		Brad Calder, Peter Feller, Alan Eustace, Value Profiling, Proceedings of 30th International Symposium on Microarchitecture (Micro-30), IEEE, pages 259-269 (December 1-3, 1997)					
		Compaq Computer Corp., Compiler Writer's Guide for the Alpha 21264 (1999) www.alphalinux.org/archives/axp-list/June1999/0475.html					
		Dean, ProfileMe: Hardware Support for Instruction-Level Profiling on Out-of-Order Processors," Proceedings of 30th Annual Intl. IEEE/ACM Symp. on Microarchitecture, pp. 292-302 (Dec. 1997)					
		Kavi et al., A Performability Model for Soft Real-Time Systems, IEEE Proceedings of the 27th Annual Hawaii International Conference on System Sciences, pp. 571-579 (1994)					
		Kim and Tyson: Analyzing the Working Set Characteristics of Branch Execution, Proceedings of the 31st Annual ACM/IEEE International Symposium on Microarchitecture, pp. 49-58 (Dec. 1998)					
		Monica S. Lam, Robert P. Wilson, Limits of Control Flow on Parallelism, Proceedings of the 19th Annual International Symposium on Computer Architecture, p.46-57 (May 1992)					
		Larus and Schnarr: EEL: Machine-Independent Executable Editing, EEL: Machine-independent executable editing. In Proceedings of the ACM SIGPLAN Conference on Programming Language Design and Implementation (PLDI), 1995					
		M. Lipasti and J. Shen. Exceeding the Data-Flow Limit Via Value Prediction, 29th International Symposium on Microarchitecture, pages 226-237, IEEE (Dec. 1996)					
		Veen: Dataflow Machine Architecture, ACM Computing Surveys vol. 18 no. 4 pp. 365-96 (December 1986)					
EXAMINER				DATE CONSIDERED			

2684371.2

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKewed/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.